



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET N.W.
WASHINGTON, D.C. 20554

6030

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August 19, 1983

REQUIRED SUPPLEMENT TO LOW POWER TELEVISION/TELEVISION
TRANSLATOR CONSTRUCTION PERMIT APPLICATION
(FORM 346)

On July 22, 1983, the Office of Management and Budget approved revisions to FCC Form 346, implementing the utilization of lotteries in low power television/television translator licensing proceedings and clarifying certain required engineering data.

Until the new edition of the form is available applicants are required to file the attached supplement with the September 1982 edition of FCC Form 346.

- FCC -

Attachment

SUPPLEMENTARY LOTTERY AND PREFERENCE INFORMATION

Important: Read the following material carefully before completing the attached certifications.

Section II: LEGAL QUALIFICATIONS

Supplementary Instructions:

A. As used in Section II, the words "party to this application" have the following meanings:

- Individual Applicant: The applicant.
- Partnership Applicant: All partners, including limited partners having an interest of one percent or more in profits. If any partner is a corporation or other entity, the definitions set forth below will apply.
- Corporate Applicant: All officers and directors, and all persons or entities who are the beneficial or record owners or have the right to vote any capital stock, membership or ownership interests of one percent or more, or subscribers to such interests, shall be considered parties to this application. If any corporation or other legal entity owns stock in the applicant, its officers, directors and persons or entities who are the beneficial or record owners or have the right to vote capital stock, membership or ownership interests of one percent or more, or subscribers to such interests, of that entity shall also be considered parties to this application.
- Any Other Applicant: All executive officers, members of the governing board, and owners or subscribers to membership or ownership interests of one percent or more in the applicant.
- Multiple Applications: Multiple Applications are defined as two or more LPTV or translator applications, filed by the same applicant, or by different applicants in which any party common to both applicants is an officer, director or has an interest of one percent or more, both of which, due to overlapping contours on the same or conflicting frequencies, cannot be granted simultaneously.

Section V: PREFERENCES

1. All applicants for construction permits for new television translator stations and low power television stations, or for major changes in existing stations, must complete this section. Although a very few applications for television translator or low power television stations are grantable as filed, almost all pending proposals would create objectionable interference to other nearby proposals if all were granted. Such applications are considered mutually exclusive because only one can be granted. The winner from among mutually exclusive applicants will be selected by a lottery. In conducting a lottery, the law requires that certain preferences be awarded to encourage diversity in the ownership of mass communications media and minority ownership. An applicant with preferences will have a greater probability of winning the lottery than an applicant lacking them. Preferences will be computed by the Commission, in the manner described in Section 1.1623 of the Commission's Rules.
2. It is essential that information about preferences be completely accurate so that the purposes of the law can be carried out and the lottery conducted fairly. You should, therefore, read very carefully the definitions set out below before answering the questions. **WINNING APPLICANTS PROVED TO HAVE MADE MISREPRESENTATIONS TO THE COMMISSION TO IMPROVE THEIR CHANCES IN THE LOTTERY WILL BE DISQUALIFIED FROM HOLDING THAT AUTHORIZATION.**

Minority Preference

1. "Minority" means a person who is a member of one of the following groups: Blacks, Hispanics, American Indians, Alaska Natives, Asians and Pacific Islanders. No other groups are recognized for the purposes of the lottery.
2. If the applicant is a sole proprietor, a preference will be awarded if the applicant is a minority.
3. Other entities will be entitled to a minority preference as follows:
 - a. Partnerships. If a majority of the partnership (computed on the basis of profits) is in the hands of a minority, the applicant is entitled to a preference. Note that limited or "silent" partners are to be included in determining whether a preference may be claimed. Thus, in a five-person limited partnership in which each partner is entitled to 20 percent of the profits, the

partnership is eligible for a minority preference if any three partners (including three limited partners) are minorities.

b. Trusts. If a majority of the beneficial interests are held by minorities, the trust is entitled to a minority preference. The characteristics of the trustee are not considered.

c. Unincorporated associations or nonstock corporations with members. If a majority of the members are minorities, the entity is entitled to a minority preference.

d. Unincorporated associations or nonstock corporations without members. If a majority of the governing board (including executive boards, boards of regents, commissions and similar governmental bodies where each board member has one vote) are minorities, the entity is entitled to a minority preference.

e. Stock corporations. If a majority of the voting shares are held by minorities, the corporation is entitled to a minority preference.

f. Where one form of entity owns an interest in a different form (e.g., a corporation owns 20 percent of a partnership) the interest owned, in its entirety, follows the characteristics of the owner. Thus, in the example, if 51 percent of the corporation's stock is voted by minorities, its entire 20 percent interest in the partnership would be considered as minority controlled when determining whether the partnership is eligible for a minority preference.

Diversification Preferences

1. In general terms, a preference will be given to an applicant if it and/or its owners have no recognizable interest (more than 50 percent) in the aggregate, in any other media of mass communications. A smaller preference will be given to an applicant if it and/or its owners, in the aggregate, have a recognizable interest in no more than three mass media facilities. No preference is given, however, if any one of the commonly owned mass media outlets serves the same area as the proposed low power television or television translator station, or if the applicant and/or its owners have more than three mass media facilities. The material that follows will set out in more detail the meaning of "own," "owner," "media of mass communications," and "serves the same area."
2. If an applicant and/or its owners, in the aggregate, do not own any other media of mass communications, the applicant is entitled to a preference. "Own" in this context means more than 50 percent ownership.
3. "Owner" means: the applicant, in the case of a sole proprietor; partner, including limited or "silent" partners, in the case of a partnership; the beneficiaries, in the case of a trust; any member, in the case of a nonstock corporation or unincorporated association with members; any member of the governing board (including executive boards, boards of

regents, commissions, or similar governmental bodies where each member has one vote), in the case of a nonstock corporation or unincorporated association without members; and owners of voting shares, in the case of stock corporations. For the purposes of the diversification preference, holders of less than one percent of any of the above interests will not be considered.

4. A medium of mass communications means:

- (1) a daily newspaper; and
- a license or construction permit for:
- (2) a television station, including low power and television translator station;
- (3) an AM or FM radio broadcast station;
- (4) a direct broadcast satellite transponder; and
- (5) a cable television system.

5. The diversity preference is not available to applicants that control, or whose owners control, in the aggregate, more than 50 percent of other media of mass communications in the same area. The facilities will be considered in the "same area" if the following defined areas wholly encompass or are encompassed by the protected, predicted contour of the proposed low power television or television translator station (see Section 74.707(a)):

- a. AM broadcast station - predicted or measured 2 mV/m groundwave contour (see Sections 73.183 or 73.186);
- b. FM broadcast station - predicted 1.0 mV/m contour (see Section 73.313);
- c. Television broadcast station - Grade-A contour (see Section 73.684); and
- d. Low power television or television translator station - the predicted, protected contour (see Section 73.707(a)).
- e. Cable television system - the franchised community of a cable system.
- f. Daily newspaper - community of publication.

6. No diversity preference is available to an applicant whose proposed transmitter site is located within the franchise area of a cable system controlled (owned more than 50 percent) by the applicant and/or its owners. No diversity preference is available to an applicant whose proposed transmitter site is located within the community of publication of a daily newspaper controlled (owned more than 50 percent) by the applicant and/or its owners.

Engineering Supplement

If application is for a minor change in an existing station, minor amendment to a pending application or minor modification of a construction permit, identify the station by its call letters, the application by its reference number and the construction permit by its file number; and attach plots comparing the existing and proposed protected signal contours as an exhibit. (See FCC Form 346 Section I, Question No. 2 (c).)

Attach as an exhibit a polar diagram of the radiation pattern (relative field) of the transmitting antenna, showing clearly the correct relationship between the major lobe or lobes of radiation and a tabulation of the pattern at every ten degrees and all maxima and minima. Applicants proposing use of multiple transmitting antennas shall submit a composite radiation pattern. If a non-directional transmitting antenna will be employed, i.e., an antenna with an approximately circular radiation pattern, clearly indicate this fact and omit the polar diagram. (See FCC Form 346 Section V, Question No. 8.)

File Number

Name of Applicant

Telephone No.

Mailing Address (City/State/Zip Code)

REMINDER: Do not complete the following without reading carefully the definitions and other information set out in the foregoing pages.

REQUIRED CERTIFICATIONS: (Legal Qualifications)Multiple Applications

The applicant certifies that there is no other application pending that would be directly mutually exclusive with this application in which this applicant has an interest of one percent or more or in which any party to this application is an officer, director or has an interest of one percent or more, direct or indirect. Yes ☐ No ☐

If no, this application cannot be accepted for filing.

Real Party In Interest Certification

The applicant certifies that no agreement, either explicit or implicit, has been entered into for the purposes of transferring or assigning to another party, any station construction permit or license or interest therein that is awarded as a result of a random selection or lottery. Yes ☐ No ☐

If no, this application cannot be accepted for filing.

CERTIFICATION OF PREFERENCESMinority

1. The applicant certifies that it is entitled to and seeks to claim a minority preference: Yes ☐: No ☐. If yes, complete the following.

(Use supplementary page if necessary) Percentage interest

NameAddressin the applicantMinority GroupDiversification Preference

2. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in any media of mass communications: Yes ☐: No ☐.
3. The applicant certifies that it and/or its owners have no interests, in the aggregate, exceeding 50 percent in more than three mass communications media facilities: Yes ☐: No ☐.
4. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in a media of mass communications in the same area to be served by the proposed low power television or television translator station: Yes ☐: No ☐.

I certify that the statements made herein are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated the _____ day of _____, 19__.

SignatureTitle

7

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT

U.S. CODE, TITLE 18, SECTION 1001.

Privacy Act information is set out in the original application.

1
H

MAY, DUNNE & GAY

ATTORNEYS AT LAW

1156 - 15TH STREET, N.W.

SUITE 515

WASHINGTON, D.C. 20005

RICHARD G. GAY
JOSEPH E. DUNNE III
COLBY M. MAY*

*VIRGINIA BAR ONLY

TELEPHONE NO.
(202) 466-6220
TELECOPIER NO.
(202) 955-9593

RECEIVED

FEB 28 1984

FCC
Office of the Secretary

- HAND DELIVER -

TBN XLATOR
#2 (MAKE
NEW FILE)

- 801106INT

February 28, 1984

Mr. William J. Tricarico
Secretary
Federal Communications Commission
Washington, D.C. 20554

ATTN: Low Power Television Branch

RE: Application of Translator TV, Inc. For a New Television
Translator Station on Channel 50 to serve St. Louis, MO
(BPTTL-801201JK)

Dear Mr. Tricarico:

Transmitted herewith in triplicate on behalf of Translator TV,
Inc. is its "Certifications" filed in connection with the
above-referenced application.

Should any questions arise concerning this matter, kindly
contact the undersigned directly.

Respectfully submitted,

TRANSLATOR TV, INC.

By: Colby M. May/isd

Colby M. May
Its Attorney

CMM:gmc

Enclosure

cc: Mrs. Jane Duff

CERTIFICATIONS

Low Power Television
BTTL 801201JK

Translator TV, Inc.

Television Translator
(714) 832-2950

File Number

Name of Applicant

Telephone No.

P.O. Box A Santa Ana, CA 92711

Mailing Address (City/State/Zip Code)

REMINDER: Do not complete the following without reading carefully the definitions and other information set out in the foregoing pages.

REQUIRED CERTIFICATIONS: (Legal Qualifications)

Multiple Applications

The applicant certifies that there is no other application pending that would be directly mutually exclusive with this application in which this applicant has an interest of one percent or more or in which any party to this application is an officer, director or has an interest of one percent or more, direct or indirect. Yes X No

If no, this application cannot be accepted for filing.

Real Party In Interest Certification

The applicant certifies that no agreement, either explicit or implicit, has been entered into for the purposes of transferring or assigning to another party, any station construction permit or license or interest therein that is awarded as a result of a random selection or lottery. Yes X No

If no, this application cannot be accepted for filing.

CERTIFICATION OF PREFERENCES

Minority

1. The applicant certifies that it is entitled to and seeks to claim a minority preference: Yes X: No . If yes, complete the following.

(Use supplementary page if necessary) Percentage interest

<u>Name</u>	<u>Address</u>	<u>in the applicant</u>	<u>Minority Group</u>
Jane Duff	15052 Humphrey Cir. Irvine, CA 92714	1/3	Black
David Espinosa	1150 O'Melvery St. San Fernando, CA 91340	1/3	Hispanic

Diversification Preference

2. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in any media of mass communications: Yes X: No . (If yes, do not respond to questions 3. and 4.)
3. The applicant certifies that it and/or its owners have no interests, in the aggregate, exceeding 50 percent in more than three mass communications media facilities: Yes : No .
4. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in a media of mass communications in the same area to be served by the proposed low power television or television translator station: Yes : No .

I certify that the statements made herein are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated the 23 day of February, 1984

Jane Duff Vice President
Signature Title

2

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT
U.S. CODE, TITLE 18, SECTION 1001.

Privacy Act information is set out in the original application.

"A" Cut-off Applicant

06292

RICHARD G. GAY
JOSEPH E. DUNNE III
COLBY M. MAY*

*VIRGINIA BAR ONLY

MAY, DUNNE & GAY
ATTORNEYS AT LAW
1156 - 15TH STREET, N.W.
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RECEIVED

February 28, 1984

FEB 28 1984

- ^{FOG}HAND DELIVER -
Office of the Secretary

Mr. William J. Tricarico
Secretary
Federal Communications Commission
Washington, D.C. 20554

ATTN: Low Power Television Branch

RE: Application of Translator TV, Inc. For a New Television
Translator Station on Channel 50 to serve Columbus, OH
(BPTTL-801204IH)

Dear Mr. Tricarico:

Transmitted herewith in triplicate on behalf of Translator TV,
Inc. is its "Certifications" filed in connection with the
above-referenced application.

Should any questions arise concerning this matter, kindly
contact the undersigned directly.

Respectfully submitted,

TRANSLATOR TV, INC.

By:

Colby M. May/JED
Colby M. May
Its Attorney

CMM:gmc
Enclosure
cc: Mrs. Jane Duff

Television Translator

Telephone No.

(714) 832-2950

REMINDER: Do not complete the following without reading carefully the definitions and other information set out in the foregoing pages.

If no, this application cannot be accepted for filing.

The applicant certifies that no agreement, either explicit or implicit, has been entered into for the purposes of transferring or assigning to another party, any station construction permit or license or interest therein that is awarded as a result of a random selection or lottery. Yes X No
If no, this application cannot be accepted for filing.

1. The applicant certifies that it is entitled to and seeks to claim a minority preference: Yes ☒ : No ☐ . If yes, complete the following.

<u>Name</u>	<u>Address</u>	<u>in the applicant</u>	<u>Minority Group</u>
Jane Duff	15052 Humphrey Cir. Irvine, CA 92714	1/3	Black
David Espinosa	1150 O'Melvery St. San Fernando, CA 91340	1/3	Hispanic

Diversification Preference

2. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in any media of mass communications:
Yes X : No _____. (If yes, do not respond to questions 3. and 4.)
3. The applicant certifies that it and/or its owners have no interests, in the aggregate, exceeding 50 percent in more than three mass communications media facilities: Yes ____ : No _____.
4. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in a media of mass communications in the same area to be served by the proposed low power television or television translator station: Yes ____ : No _____.

I certify that the statements made herein are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated the 23 day of February, 1984

Signature Barry Duff Title Vice President

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT
U.S. CODE, TITLE 18, SECTION 1001. 0629

Privacy Act information is set out in the original application.

"A" Cut-off Applicant

MDG

RICHARD G. GAY
JOSEPH E. DUNNE III
COLBY M. MAY*

*VIRGINIA BAR ONLY

MAY, DUNNE & GAY

ATTORNEYS AT LAW
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February 28, 1984

FEB 28 1984

FCC
Office of the Secretary
- HAND DELIVER -

Mr. William J. Tricarico
Secretary
Federal Communications Commission
Washington, D.C. 20554

ATTN: Low Power Television Branch

RE: Application of Translator TV, Inc. For a New Television
Translator Station on Channel 42 to serve Philadelphia, PA
(BPTTL-810204IG)

Dear Mr. Tricarico:

Transmitted herewith in triplicate on behalf of Translator TV,
Inc. is its "Certifications" filed in connection with the
above-referenced application.

Should any questions arise concerning this matter, kindly
contact the undersigned directly.

Respectfully submitted,

TRANSLATOR TV, INC.

By:

Colby M. May / SED
Colby M. May
Its Attorney

CMM:gmc
Enclosure
cc: Mrs. Jane Duff

CERTIFICATIONS

Low Power Television
BTTL 801204IG

Translator TV, Inc.

Television Translator
(714) 832-2950

File Number

Name of Applicant

Telephone No.

P.O. Box A Santa Ana, CA 92711

Mailing Address (City/State/Zip Code)

REMINDER: Do not complete the following without reading carefully the definitions and other information set out in the foregoing pages.

REQUIRED CERTIFICATIONS: (Legal Qualifications)

Multiple Applications

The applicant certifies that there is no other application pending that would be directly mutually exclusive with this application in which this applicant has an interest of one percent or more or in which any party to this application is an officer, director or has an interest of one percent or more, direct or indirect. Yes X No

If no, this application cannot be accepted for filing.

Real Party In Interest Certification

The applicant certifies that no agreement, either explicit or implicit, has been entered into for the purposes of transferring or assigning to another party, any station construction permit or license or interest therein that is awarded as a result of a random selection or lottery. Yes X No
If no, this application cannot be accepted for filing.

CERTIFICATION OF PREFERENCES

Minority

1. The applicant certifies that it is entitled to and seeks to claim a minority preference: Yes X : No . If yes, complete the following.

<u>Name</u>	<u>Address</u>	<u>Percentage interest in the applicant</u>	<u>Minority Group</u>
Jane Duff	15052 Humphrey Cir. Irvine, CA 92714	1/3	Black
David Espinosa	1150 O'Melvery St. San Fernando, CA 91340	1/3	Hispanic

Diversification Preference

2. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in any media of mass communications: Yes X : No . (If yes, do not respond to questions 3. and 4.)
3. The applicant certifies that it and/or its owners have no interests, in the aggregate, exceeding 50 percent in more than three mass communications media facilities: Yes : No .
4. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in a media of mass communications in the same area to be served by the proposed low power television or television translator station: Yes : No .

I certify that the statements made herein are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated the 23 day of February, 1984

Jane Duff Vice President
Signature Title

6

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT
U.S. CODE, TITLE 18, SECTION 1001.

06296

Privacy Act information is set out in the original application.

"A" Cut-off Applicant

COMMISSION USE ONLY

File No.

**APPLICATION FOR AUTHORITY TO CONSTRUCT OR MAKE CHANGES
IN A LOW POWER TV, TV TRANSLATOR OR FM TRANSLATOR STATION**
(Carefully read instructions before filling out form—RETURN ONLY FORM TO FCC)

Section 1

GENERAL INFORMATION

1. Name of Applicant

Street Address

City

State

ZIP Code

Telephone No. (include area code)

2. This application is for: (check one box)

☐ FM Translator☐ Low Power Television☐ Low Power TV-Subscription TV
(FCC approved technical system)☐ TV Translator

(a) Channel No.

(b) Community of License

City

State

(c) Check the appropriate boxes below:

(1) New Station

(2) Modification of Construction Permit (CP)

CP File No.

(Check this box only if CP is not covered by an operating license)

☐☐

(3) Change in licensed facilities

Call Letters

☐ (check Major or Minor)Major ☐Minor ☐

Application Reference No.

**(4) Amendment of pending applications ☐

Note: *If the proposed change is "minor" pursuant to Section 73.3572 of the Commission's Rules attach plots, comparing the existing and proposed protected signal contours as Exhibit No. _____

**For amendments to a previously filed application, submit only Section I and those portions of the form that contain the amended information.

3. (a) Is this application mutually exclusive with a renewal application?

☐ Yes ☐ No

(b) To the applicant's knowledge, is this application mutually exclusive with another application(s)?

☐ Yes ☐ No

If the answer to question 3(a) or 3(b) is Yes, state the following information.

Call letters or File No.

Community of License

City

State

(a) _____

(b) _____

GENERAL INFORMATION

YES NO

4 (a) Is translator applicant the licensee of primary station?

☐ ☐

(b) If answer to 4(a) is No, has written authority been obtained from the licensee of the station whose programs are to be retransmitted?

☐ ☐

5. Station Identification.

The Applicant certifies that it will comply with applicable station identification rules. See Sections 73.1201, 74.783 and 74.1283 of the Commission's Rules.

☐ ☐

6 Is type approved broadcast equipment being specified?

☐ ☐

If No, indicate date equipment was submitted to FCC Laboratory for approval.

7 Would a Commission grant of your application be a major action as defined by Section 1.1305 of the Commission's Rules?

☐ ☐

If Yes, attach as Exhibit No. _____ the required statement in accordance with Section 1.1311 of the Commission's Rules.

If No, explain briefly.

8 If the application is for a new FM translator, have any funds, legal or engineering services or anything else of value been furnished, directly or indirectly, by the licensee, or permittee of any FM broadcast station or any person associated with such station?

☐ ☐

If Yes, attach an explanation as Exhibit No. _____, identifying the source and nature of the financial support or assistance.

Section II

LEGAL QUALIFICATIONS

1. Applicant is (check one of the following):

(a) ☐ an individual

For LPTV and TV translator applicants only, if the applicant is an individual, submit as Exhibit No. _____ the applicant's name, address, home and business telephone numbers (including area code) and the applicant's individual interest.

(b) ☐ a general partnership or ☐ a limited partnership

For LPTV and TV translator applicants only, if the applicant is a partnership, whether general or limited, submit as Exhibit No. _____ the names, addresses, home and business telephone numbers (including area code) of all general and limited partners (including silent partners), and the nature and percentage of the ownership interest of each partner.

(c) ☐ a corporation or ☐ an unincorporated association

For LPTV and TV translator applicants only, if the applicant is a corporation or an unincorporated association, submit as Exhibit No. _____ the names, addresses, home and business telephone numbers (including area code) of all officers, directors, and other members of the governing board of the corporation or association and the nature and the percentage of their ownership interests in the applicant (including stockholders with interests of 1% or greater).

(d) ☐ other

If the applicant is a legal entity other than an individual, partnership, corporation or unincorporated association, describe in Exhibit No. _____ the nature of the applicant.

2. For LPTV and TV translator applicants for new stations only, submit as Exhibit No. _____ a list of all other new applications filed during the same window period as this application in which the applicant or any principal of the applicant has any interest. Include the percentage of that interest for each listed application, as well as the other applicant's name (if different) and the channel number and location of the proposed station.

Note: No more than five (5) applications for new low power TV or TV translator stations may be filed during a single window period by any applicant, or by any individual or entity having an interest of 1% or more in applications filed in the same window period. This limit does not apply to minor or major change applications.

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

3. (a) Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments?

YES NO

☐ ☐

(b) Will any funds, credit, etc., for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or other agents?

☐ ☐

If yes, provide particulars as Exhibit No. _____.

4. (a) Has an adverse finding been made, adverse final action taken or consent decree approved by any court or administrative body as to the applicant or any party to the application in any civil or criminal proceeding brought under the provisions of any law related to the following: any felony, antitrust, unfair competition, fraud, unfair labor practices or discrimination?

☐ ☐

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in 4(a)?

☐ ☐

If the answer to 4(a) or 4(b) is Yes, attach as Exhibit No. _____, a full disclosure concerning the persons and matters involved, identifying the court or administrative body and the proceeding (by dates and file numbers), stating the facts upon which the proceeding was based or the nature of the offense committed, and disposition or current status of the matter.

LEGAL QUALIFICATIONS

- | | YES | NO |
|---|--------------------------|--------------------------|
| 5. Has the applicant or any party to this application had any interest in: | | |
| (a) an application which has been dismissed with prejudice by the Commission? | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) an application which has been denied by the Commission? | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) a broadcast station, the license for which has been revoked? | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) an application in any Commission proceeding which left unresolved character issues against the applicant? | <input type="checkbox"/> | <input type="checkbox"/> |

If the answer to any of the questions in 5 is yes, state in Exhibit No. _____ the following:

- (i) Name, address and percentage of ownership in applicant;
- (ii) Nature of interest or connection, giving dates;
- (iii) Call letters of stations or file number of application or docket number;
- (iv) Location.

MULTIPLE APPLICATIONS

- | | YES | NO |
|--|--------------------------|--------------------------|
| 6. The applicant certifies that there is no other application pending that would be directly mutually exclusive with this application in which this applicant has an interest of one percent or more or in which any party to this application is an officer, director, or has an interest of one percent or more, direct or indirect. | <input type="checkbox"/> | <input type="checkbox"/> |

If No, this application cannot be accepted for filing.

REAL PARTY IN INTEREST CERTIFICATION

- | | | |
|---|--------------------------|--------------------------|
| 7. The applicant certifies that no agreement, either explicit or implicit, has been entered into for the purposes of transferring or assigning to another party, any station construction permit or license or interest therein that is awarded as a result of a random selection or lottery. | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|

If No, this application cannot be accepted for filing.

SITE CERTIFICATION

- | | | |
|--|--------------------------|--------------------------|
| 8. The applicant certifies that it has contacted an authorized spokesperson for the owner of the rights to the proposed transmitter site and has obtained reasonable assurance that the site will be available for its use if this application is granted. | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|

That person is _____ who can be contacted at the following address and telephone number.

Mailing Address or Identification

City

State

ZIP Code

Telephone No. (include area code)

Note: If this application is for a change in an operating facility, DO NOT fill out this section.

YES NO

1. The applicant certifies that sufficient net liquid assets are on hand or are available from committed sources to construct and operate the requested facilities for three months without revenue. ☐ ☐
2. The applicant certifies that: (a) it has a reasonable assurance of a present firm intention for each agreement to furnish capital or purchase capital stock by parties to the application, each loan by banks, financial institutions or others and each purchase of equipment on credit; (b) it can and will meet all contractual requirements as to the collateral, guarantees, and capital investment; (c) it has determined that a reasonable assurance exists that all such (excluding banks, financial institutions and equipment manufacturers) have sufficient net liquid assets to meet these commitments. ☐ ☐

Section IV

PROGRAM SERVICE STATEMENT

Note: For Low Power Television (including subscription television applicants) only:

1. Low Power Television stations must offer a broadcast program service; a non-program broadcast service will not be permitted. Therefore, attach as Exhibit No. ____ , a brief description, in narrative form, of your planned programming service.

Important: Read the following material carefully before answering the questions.

1. Applicants for FM translator stations should not complete this section.
2. All applicants for construction permits for new television translator stations and low power television stations, or for major changes in existing stations, must complete this section. Although a very few applications for television translator or low power television stations are grantable as filed, almost all pending proposals would create objectionable interference to other nearby proposals if all were granted. Such applications are considered mutually exclusive because only one can be granted. The winner from among mutually exclusive applicants will be selected by a lottery. In conducting a lottery, the law requires that certain preferences be awarded to encourage diversity in the ownership of mass communications media and minority ownership. An applicant with preferences will have a greater probability of winning the lottery than an applicant lacking them. Preferences will be computed by the Commission, in the manner described in Section 1.1623 of the Commission's Rules.
- 3. It is essential that information about preferences be completely accurate so that the purposes of the law can be carried out and the lottery conducted fairly. You should, therefore, read very carefully the definitions set out below before answering the questions. **WINNING APPLICANTS PROVED TO HAVE MADE MISREPRESENTATIONS TO THE COMMISSION TO IMPROVE THEIR CHANCES IN THE LOTTERY WILL BE DISQUALIFIED FROM HOLDING THAT AUTHORIZATION AND MAY ALSO JEOPARDIZE OTHER PENDING APPLICATIONS.**

Minority Preference

1. "Minority" means a person who is a member of one of the following groups: Blacks, Hispanics, American Indians, Alaska Natives, Asians and Pacific Islanders. No other groups are recognized for the purposes of the lottery.
2. If the applicant is a sole proprietor, a preference will be awarded if the applicant is a minority.
- 3. Other entities will be entitled to a minority preference as follows:
 - a. Partnerships. If a majority of the partnership (computed on the basis of profits) is in the hands of a minority, the applicant is entitled to a preference. Note that limited or "silent" partners are to be included in determining whether a preference may be claimed. Thus, in a five-person limited partnership in which each partner is entitled to 20 percent of the profits, the partnership is eligible for a minority preference if any three partners (including three limited partners) are minorities.
 - b. Trusts. If a majority of the beneficial interests are held by minorities, the trust is entitled to a minority preference. The characteristics of trustee are not considered.
 - c. Unincorporated associations or nonstock corporations with members. If a majority of the members are minorities, the entity is entitled to a minority preference.
 - d. Unincorporated associations or nonstock corporations without members. If a majority of the governing board (including executive boards, boards of regents, commissions and similar governmental bodies where each board member has one vote) are minorities, the entity is entitled to a minority preference.
 - e. Stock corporations. If a majority of the voting shares are held by minorities, the corporation is entitled to a minority preference.
 - f. Where one form of entity owns an interest in a different form (e.g., a corporation owns 20 percent of a partnership) the interest owned, in its entirety, follows the characteristics of the owner. Thus, in the example, if 51 percent of the corporation's stock is voted by minorities, its entire 20 percent interest in the partnership would be considered as minority controlled when determining whether the partnership is eligible for a minority preference.

Diversification Preferences

- In general terms, a preference will be given to an applicant if it and/or its owners have no recognizable interest (more than 50 percent) in the aggregate, in any other media of mass communications. A smaller preference will be given to an applicant if it and/or its owners, in the aggregate, have a recognizable interest in no more than three mass media facilities. No preference is given, however, if any one of the commonly owned mass media outlets serves the same area as the proposed low power television or television translator station, or if the applicant and/or its owners have more than three mass media facilities. The material that follows will set out in more detail the meaning of "own," "owner," "media of mass communications," and "serves the same area."

- If an applicant and/or its owners, in the aggregate, do not own any other media of mass communications, the applicant is entitled to a preference. "Own" in this context means more than 50 percent ownership.

- "Owner" means: the applicant, in the case of a sole proprietor; partner, including limited or "silent" partners, in the case of a partnership; the beneficiaries, in the case of a trust; any member, in the case of a nonstock corporation or unincorporated association with members; any member of the governing board (including executive boards, boards of regents, commissions, or similar governmental bodies where each member has one vote), in the case of nonstock corporation or unincorporated association without members; and owners of voting shares, in the case of stock corporations. For the purposes of the diversification preference, holders of less than one percent of any of the above interests will not be considered.

4. A medium of mass communications means:

- a. a daily newspaper; and a license or construction permit for:

- (1) a television station, including low power and television translator station;
- (2) an AM or FM radio broadcast station;
- (3) a direct broadcast satellite transponder; and
- (4) a cable television system.

- The diversity preference is not available to applicants that control, or whose owners control, in the aggregate, more than 50 percent of other media of mass communications in the same area. The facilities will be considered in the "same area" if the following defined areas wholly encompass or are encompassed by the protected, predicted contour of the proposed low power television or television translator station [See Section 74.707(a)]:

- a. AM broadcast station—predicted or measured 2 mV/m groundwave contour (see Sections 73.183 or 73.186);
- b. FM broadcast stations—predicted 1.0 mV/m contour (see Section 73.313);
- c. Television broadcast station—Grade A contour (see Section 73.684); and
- d. Low power television or television translator station—the predicted, protected contour [See Section 73.707(a)];
- e. Cable television system—the franchised community of a cable system.
- 1. Daily newspaper—community of publication.

- 5. No diversity preference is available to an applicant whose proposed transmitter site is located within the franchise area of a cable system controlled (owned more than 50 percent) by the applicant and/or its owners. No diversity preference is available to an applicant whose proposed transmitter site is located within the community of publication of a daily newspaper controlled (owned more than 50 percent) by the applicant and/or its owners.
- 7. If a low power television or television translator applicant, and/or the owners of the applicant, control no more than three other mass media facilities, none of which serve the same area as the proposed station, the applicant will be entitled to a smaller preference than an applicant with no other media facilities.

CERTIFICATION OF PREFERENCES

Minority

YES NO

1. The applicant certifies that it is entitled to and seeks to claim minority preference.

☐ ☐

If Yes, complete the following:

Name

Address

Percentage interest
in the applicant

Minority Group

Diversification Preference

YES NO

2. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in any media of mass communications.

☐ ☐

If Yes, DO NOT respond to questions 3 and 4.

3. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in more than three mass communications media facilities.

☐ ☐

4. The applicant certifies that it and/or its owners have no interest, in the aggregate, exceeding 50 percent in a media of mass communications in the same area to be served by the proposed low power television or television translator station.

☐ ☐

**APPLICATION FOR AUTHORITY TO CONSTRUCT OR
MAKE CHANGES IN A LOW POWER TV, TV TRANSLATOR OR TV BOOSTER STATION**
(Carefully read instructions before filling out form - RETURN ONLY FORM TO FCC)

For <u>Commission</u> Fee Use Only	FEE NO:	For <u>Applicant</u> Fee Use Only
	FEE TYPE:	
	FEE AMT:	
	ID SEQ:	

Is a fee submitted with this application? ☐ Yes ☐ No

If No, indicate reason therefor (check one box):

☐ Nonfeeable application

Fee Exempt (See 47 C.F.R. Section 1.1112)

☐ Noncommercial educational licensee

☐ Governmental entity

For Commission Use Only

File No.

SECTION I - GENERAL INFORMATION

1. Name of Applicant	Address		
	City	State	Zip Code
	Telephone No. (include area code)		

2. This application is for: (check one box)

☐ Low Power Television ☐ TV Translator ☐ TV Booster

(a) Proposed Channel No.	(b) Community to be served:	
	City	State

(c) Check one of the following boxes:

- ☐ Application for **NEW** station
- ☐ **MAJOR** change in licensed facilities; call sign:
- ☐ **MINOR** change in licensed facilities; call sign:
- ☐ **MAJOR** modification of construction permit; call sign:
- File No. of Construction Permit:
- ☐ **MINOR** modification of construction permit; call sign:
- File No. of Construction Permit:
- ☐ **AMENDMENT** to pending application; Application file number:

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Sections I and VII and those other portions of the form that contain the amended information.